

1 SENATE JOINT MEMORIAL 9

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

4 David Ulibarri

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6
7 FOR THE INDIAN AFFAIRS COMMITTEE AND
8 THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

9
10 A JOINT MEMORIAL

11 ENCOURAGING THE UNITED STATES CONGRESS TO ENACT AMENDMENTS TO
12 THE FEDERAL RADIATION EXPOSURE COMPENSATION ACT TO EXTEND
13 ELIGIBILITY TO INDIVIDUALS WHO WORKED IN THE URANIUM INDUSTRY
14 AFTER JANUARY 1, 1972 AND TO DIRECT FEDERAL AGENCIES TO COMPILE
15 AND REPORT URANIUM WORKER HEALTH AND SAFETY DATA, TO CONDUCT
16 HEALTH STUDIES AMONG POST-1971 URANIUM WORKERS AND TO IMPLEMENT
17 AND ENFORCE EXISTING URANIUM WORKER HEALTH AND SAFETY
18 STANDARDS.

19
20 WHEREAS, the United States congress enacted the Radiation
21 Exposure Compensation Act in 1990 to provide "compassionate
22 payments" to uranium miners who suffered from radiation-related
23 diseases presumed to have been caused by their work in uranium
24 mines and mills that provided uranium ore to the United States
25 government for military purposes; and

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1 WHEREAS, the United States congress amended the Radiation
2 Exposure Compensation Act in 2000 to include people who worked
3 in open-pit uranium mines and uranium mills or who hauled
4 uranium ore, to expand the list of compensable diseases and to
5 lower the minimum lifetime radiation dose and the minimum
6 amount of time of employment in the uranium industry in order
7 to extend eligibility to individuals who became sick or who
8 died as a result of their uranium work but who were not
9 eligible participants in the original Radiation Exposure
10 Compensation Act; and

11 WHEREAS, the Radiation Exposure Compensation Act as
12 presently amended covers only those persons who worked in the
13 uranium industry between January 1, 1942 and December 31, 1971;
14 and

15 WHEREAS, an informal survey conducted by the post '71
16 uranium workers committee of Milan, New Mexico, of more than
17 one thousand two hundred men and women who worked in the
18 uranium industry since January 1, 1972 shows that more than
19 half of the respondents to the survey reported at least one
20 adverse health condition, including but not limited to lung
21 cancer and kidney disease, conditions that are currently
22 compensable pursuant to the federal Radiation Exposure
23 Compensation Act; and

24 WHEREAS, respondents to the post '71 survey self-reported
25 frequencies of birth defects among offspring of former workers

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1 that appear to be greater than the overall New Mexico birth
2 defect rate for the period of 1995 to 1999; and

3 WHEREAS, more than ninety percent of respondents to the
4 post '71 survey reported that their employers did not inform
5 them about the health risks of exposure to radiation nor advise
6 them of the dangers to their family members of laundering their
7 uranium-contaminated work clothes at home; and

8 WHEREAS, the energy, minerals and natural resources
9 department estimates that about seven thousand people were
10 employed in the uranium industry in New Mexico in 1978, the
11 record year for uranium production in the state; and

12 WHEREAS, the United States department of energy reports
13 that nearly twelve thousand persons were employed in the
14 uranium mining and milling industry in the United States in
15 1980; and

16 WHEREAS, the national institute for occupational safety
17 and health reports that no comprehensive health study has ever
18 been conducted among post-1971 uranium workers; and

19 WHEREAS, a 1980 national institute for occupational safety
20 and health report found that average uranium miner exposure in
21 underground mines in the 1970s was "significantly greater" than
22 indicated in company records and, on average, exceeded
23 applicable in-mine exposure limits;

24 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
25 STATE OF NEW MEXICO that the United States congress be

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1 encouraged to enact legislation or provide budget directives
2 authorizing the national institute for occupational safety and
3 health to conduct formal health studies among persons who
4 worked in the domestic uranium industry since January 1, 1972;
5 and

6 BE IT FURTHER RESOLVED that the United States congress be
7 encouraged to expand eligibility for compensation pursuant to
8 the federal Radiation Exposure Compensation Act for persons who
9 worked in the uranium mining, milling and ore hauling
10 industries after January 1, 1972, in order that they might
11 receive the same compensation benefits as now enjoyed by
12 pre-1972 uranium workers; and

13 BE IT FURTHER RESOLVED that copies of this memorial be
14 transmitted to the New Mexico congressional delegation, to the
15 county commissioners of Bernalillo, Cibola, McKinley, Rio
16 Arriba, San Juan and Valencia counties, to the president of the
17 Navajo Nation, to the speaker of the Navajo Nation council and
18 to the governors of the Pueblos of Acoma, Laguna and Zuni.